UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,210	03/16/2007	Giuseppe Diomelli	51579	3444

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 May 2009</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-38</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

December 30, 2009 has been entered.

Response to Amendment

2.   Applicants' claims filed on December 30, 2009 have been entered. Claims 1, 20,

and 29 have been amended. No claims have been added. No claims have been

canceled. Claims 1-38 are still pending in this application, with claims 1, and 20 being

independent.

Response to Arguments

3.   Applicant's arguments with respect to claim 1-38 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.   Claims 1-13, 17-28, 30-31, and 35-38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Malik et al. (US 7,313,617) in view of O'Neal (US 6,411,685).

Regarding claims 1 and 20, Malik discloses a method/apparatus for initiating,

receiving, controlling and managing different types of synchronous and asynchronous

communications (col. 2, lines 10-30) over LAN, WAN and Internet networks, (see fig. 2,

el. 26; fig. 3, el. 102, 104) comprising the steps of:

providing Communications Devices and/or Terminals for permitting users to

transmit and receive synchronous and asynchronous communications (col. 2, lines 10-

30); and

providing Network Server and Local Area Network infrastructures (col. 12, lines

53 - 65) for transporting data and all the communications between the said

Communications Devices and/or Terminals,

wherein all the Communication Devices and/or Terminals inbound and outbound

communications are initiated, received, controlled and managed by using an program

(fig. 5a, fig. 8, fig. 12 – uses CIR program), the method thereby replacing the use of a

traditional telephone switchboard or exchange system of the PBX, PABX, and IPPBX

type.

Malik does not explicitly disclose a plurality of communication devices and/or

terminals; and wherein all the communications are initiated, received, controlled and

managed by using an Internet Web Browser.

O'neal discloses plurality of communication devices and/or terminals (fig. 1, el.

20; col. 5, line 55- col. 6, line 12 – using web browser, therefore can be used in plurality

of terminals) and wherein the communications are initiated, received, controlled and

managed by using an Internet Web Browser communicating with a Web Services

section of the single central processor or Network Server providing Communications

Channels (see figs. 1, 8, and 9; col. 2, lines 8 – 19; col. 7, line 55- col. 8, line 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify Malik with the teaching of O'neal, in order to

communicate using web browser so that it can be used in any terminal without installing

proprietary programs (O'neal, col. 2, lines 38-40).

Regarding claim 2, see rejection of claim 1.

Regarding claim 3, Malik discloses wherein said inbound and outbound

communications comprise both synchronous and asynchronous communications (col. 2,

lines 10-30).

Regarding claim 4, Malik discloses wherein all said inbound and outbound

communications, are initiated, received, controlled and managed either individually

and/or by mixing two or more simultaneous communications (col. 2, lines 10-30).

Regarding claim 5, Malik discloses wherein said inbound and outbound

communications are initiated, received, controlled and managed, even mixing different

types of all said communications (fig. 12).

Regarding claim 6, see rejection of claim 1.

Regarding claim 7, Malik discloses wherein said inbound and outbound

communications are effected, through direct and/or indirect connections, between said

central processor or Network Server and the communications terminals of public and

private communications networks for wired telecommunications and video

communications as well as the communications networks for wireless

telecommunications or video communications and satellite networks (fig. 2; fig. 3).

Regarding claim 8, see rejection of claim 7.

Regarding claims 9 and 22, Malik discloses wherein each communication

channel of all said inbound and outbound communications is activated, controlled and

managed by using a single software program equipped with a single central software

nucleus (KERNEL) installed on said single central processor or Network Server, and by

using Browser interactive graphic interfaces enabled by a section (Web Services) of

said central processor or network server and displayed on the visual display panels of

the Communications Devices or Terminals connected to said Local Computer Networks

LANs, satellite networks, the Internet or other networks (col. 4, lines 62-col. 5, lines 11,

fig. 4, fig. 8).

Regarding claim 10, Malik discloses wherein operating functions for the

management of different types of communications and display of data pertaining to a

caller and a party called, as well as other data pertaining to the said ongoing

communications, are activated through access to specific sections of a Database by

using an Internet Web Browser, said Web Browser comprising at least one graphic

toolbar featuring two distinct groups of interactive icons (Malik, fig. 5a, 5b; fig. 8).

Regarding claim 11, see rejection of claim 10.

Regarding claim 12, see rejection of claim 10.

Regarding claims 13 and 25, Malik discloses logging and storing in a single database all data pertaining to all communications effected through any Communications Device and/or Terminal connected to and/or interacting with said LAN or group of LANs, or satellite network, or other networks (fig. 2, element 24).

Regarding claim 17, see rejection of claim 1.

Regarding claims 18 and 36, see rejection of claim 1.

Regarding claims 19 and 37, see rejection of claim 10.

Regarding claim 21, see rejection of claim 1.

Regarding claim 23, see rejection of claim 10.

Regarding claim 24, O'neal discloses further comprising a one or more devices, terminals and personal computers connected to Local Area Networks LANs, to the Internet, to satellite networks, or to other networks, regardless of the operating system used to drive said Devices, Terminals and Personal Computers (col. 5, line 55- col. 6, line 12 – using web browser, therefore can be used in plurality of terminals).

Regarding claim 26, Malik discloses wherein said central processor comprises: logical-functional sections designed to support and manage all said types of communications (fig. 2, el. 24);

and at least one section for the storage, in a single centralized Database, of the settings associated with said devices as well as of the log of the historical data pertaining to the said communications (fig. 5b).

Regarding claims 27 and 28, Malik discloses wherein said logical-functional sections are configured for: interfacing said apparatus with the Communications

Devices and/or Terminals connected to said local area network LAN, to wired and

wireless telecommunications networks as well as to other computer networks, including

the Internet (fig. 4); managing said communications between the Communications

Devices and/or Terminals connected to said local area network LAN and between said

Communications Devices and/or Terminals and the telecommunications networks and

other computer networks (fig. 9); logging, into said section, the historical data pertaining

to the communications managed by said apparatus (fig. 5b - list of calls); and

displaying, by means of said Web services section, on the visual display panels of the

Communications Devices and/or Terminals connected to the computer networks, the

interactive graphic interfaces and to managing such interfaces so as to allow, using

standard browser methodology, access to and the activation of the operating functions

of said apparatus (fig. 3, el. 96).

Regarding claim 30, Malik further discloses interfaces for various connections

(see fig. 3).

Regarding claim 31, Malik discloses wherein the access to specific sections of

said Database and the activation of the operating functions of said apparatus as well as

the display of the data pertaining to the called party and the caller, and other data

pertaining to the call underway, are enabled through interacting with two distinct groups

of icons that appear on the Internet Web Browser displaying a graphical toolbar (fig. 9).

Regarding claims 35 and 38, see rejection of claim 10.

6.   Claims 14-16 and 32-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Malik et al. (US 7,313,617) and O'Neal (US 6,411,685) in view of

Robinson et al (US 6,141,411).

Regarding claim 14-16 and 32-34, Malik discloses synchronous and

asynchronous communications method/apparatus.

The combination of Malik and O'Neal does not disclose the step of routing each

call only after the system has automatically searched for and selected the cheapest

communications network available for each type of communication placed from

Communications Devices.

Robinson discloses the step of routing each call only after the system has

automatically searched for and selected the cheapest communications network

available for each type of communication (Robinson, fig. 1; col. 6, lines 10-60; col. 7,

lines 7-col. 8 line 7) placed from Communications Devices and/or Terminals.

Therefore it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to modify Malik and O'Neal to include routing call to find

the cheapest communication route as taught by Robinson in order to lower the cost of

calls for customers.

7.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et

al. (US 7,313,617) and O'Neal (US 6,411,685) in view of Balasuriya (US Pub

2003/0041048).

Regarding claim 29, Malik and O'Neal discloses wherein said Communications Devices and/or Terminals connected to the local area network LAN include the following: a Personal Computer or Client Processor, an IP Phone, a Palmtop PDA Computer that may be fitted with a loudspeaker and microphone, a Personal Computer or Client Processor fitted with headphones, a microphone and a webcam, a POTS analogue phone, a standard analogue fax machine, a Router with or without a firewall, a Communications Device and/or Terminal enabling transmission and reception via satellite, connected to the LAN through the Router, a Personal Computer or Client Processor, connected to the Internet, and fitted with headphones, a microphone and a webcam, a telephone Device or Terminal for the public wireless telecommunications network (O'Neal, fig. 1).

The combination of Malik and O'Neal does not disclose a Communications Device and/or Terminal enabling transmission and reception via satellite, connected by satellite to the Communications Device and/or Terminal.

Balasuriya discloses a Communications Device and/or Terminal enabling transmission and reception via satellite, connected by satellite to the Communications Device and/or Terminal (Para 0020).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Malik and O'Neal to include satellite communications as taught by Balasuriya in order to add utility by adding another method of communications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAFIZ E. HOQUE whose telephone number is (571)270-1811. The examiner can normally be reached on M-F Alternate Fridays Off 7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NAFIZ E HOQUE/
Examiner, Art Unit 2614

/Ahmad F Matar/
Supervisory Patent Examiner, Art Unit 2614